REMARKS

Claims 41-47, 51-52 and 53-70 are indicated to recite allowable subject matter. Applicant appreciates the recognition of patentable subject matter in the present application. Applicant hereby adds new claims 71-74 and accordingly claims 41-74 are pending in the present application.

Claims 48-50 stand rejected under 35 USC § 103(a) as being unpatentable over Suzuki, US Patent No. 5,444,294, in view of Sua et al., US Patent No. 5,663,105.

Applicant respectfully traverses the rejections and requests allowance of all pending claims.

Referring to claim 48, the integrated circuit device comprises *a heat dissipation lead and an electrical lead which extend outwardly of the housing within different planes at a surface of the housing*. The Action on page 2 recites limitations of Suzuki as allegedly disclosing the claimed limitations of the housing and the heat sink. Referring to col. 3, lines 42-53 of Suzuki, it is stated that heat radiator 2 has support leads 5 which are formed by a bending process whereby a step is formed between the heat radiator 2 and the support leads 5. It is further explicitly taught by Suzuki that the process of *bending the support leads 5 is carried out for the purpose of having the inner and outer leads 3A, 3B located in the same plane as the support leads 5*. Accordingly, it is clearly taught in Suzuki that leads 3A, 3B, 5 are all located in the same plane as also shown in Fig. 2B. Such teachings fail to disclose or suggest

limitations of claim 48 including the heat dissipation lead and the electrical lead in different planes at a surface of the housing as claimed.

For a proper *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., MPEP §2143 (8th ed.).

As discussed above, the express teachings of Suzuki fail to disclose or suggest limitations of claim 48. Claim 48 is allowable over the prior art for at least this reason. In addition, there is no motivation to modify the teachings of Suzuki to arrive at the invention of claim 48 reciting the heat dissipation and electrical leads in different planes contrary to the express reference teachings. Accordingly, claim 48 is in condition for allowance and allowance of claim 48 is respectfully requested in the next Action.

The claims which depend from independent claim 48 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Applicant hereby adds new claims 71-74. The amendment to claim 48 and the new claims 71-74 are supported at least by Figs. 2 and 9-11 and the associated specification teachings of the originally filed application.

New claim 73 includes limitations of previously pending claims 48 and 51 and new claim 73 is believed to be allowable in view of the indication in the Action that claim 51 recited allowable subject matter. New claim 74 corresponds to previously pending claim 52 and is also believed to be allowable in view of the indication that claim 52 recited allowable subject matter. Allowance of new claims 71-74 is respectfully requested.

Claims 63, 64, and 69 are amended to correct the indicated informalities.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 6/23/04   By: _____
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                                       Reg. No. 39,833